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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/886,366	06/22/2001	Taneaki Chiba	01USFP628-K.N.	5703

30743 7590 12/15/2005

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EXAMINER

ELAHEE, MD S

ART UNIT	PAPER NUMBER
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2645

DATE MAILED: 12/15/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/886,366

Applicant(s)

CHIBA, TANEAKI

Examiner

Md S. Elahee

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 03 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 22 September 2005.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1, 2, 4-25 and 27 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1, 2, 4-25 and 27 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☐ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____

DETAILED ACTION

Response to Amendment

1. This action is responsive to an amendment filed on 09/22/05. Claims 1, 2, 4-25 and 27 are pending. Claims 3 and 26 have been cancelled.

Response to Arguments

2. Applicant's arguments with respect to claims 1, 5, 13, 22 and 24 have been fully considered but they are not persuasive.

Regarding claims 1, 22 and 24, the Applicant argues on page 8, lines 22-24 that "Avnet et al. does not teach or suggest transmitting information when the mobile unit (e.g. a personal handheld electronic device) approaches the display unit (e.g. billboard)". The examiner disagrees with this argument. Avnet does disclose transmitting or broadcasting information continuously. It is clear that the information will be transmitted when the mobile unit (e.g. a personal handheld electronic device) approaches the display unit (e.g. billboard) (see page 1, paragraph 0006, page 2, paragraph 0014) or when the mobile unit does not approach the billboard. The transceiver of Billboard [i.e., display unit] can communicate wirelessly over a short distance (see page 1, paragraph 0006), therefore, it is clear that information is being transmitted when or during the PDA [i.e., mobile unit] is approaching within the short range of the transceiver of the billboard. Thus the rejection of the claims in view of Avnet remain.

Regarding claim 5, the Applicant argues on page 9, lines 14-16 that "Avnet et al. does not teach or suggest in any way that electric shielding so that the mobile terminal must be within the shielded area to receive the message". The examiner disagrees with this argument. The applicant didn't claim the limitation. Thus the rejection of the claim in view of Avnet remain.

Regarding claim 13, the Applicant argues on page 9, lines 21-24 that "Claim 13 requires that the information distribution units be installed in a museum, for example to provide information about museum displays. The Avnet et al. Provisional application of attachment 3 (USSN 60/196,756) does not teach or suggest installation in a museum". The examiner disagrees with this argument. Avnet does teach Electronic Broadcast Billboard is a method and apparatus to transmit from a public advertisement [i.e., museum] to a PDA (see page 1, section 1 of Provisional application (USSN 60/196,756)). Therefore, it is clear that a museum is a public advertisement and information distribution units can be installed in a museum. Thus the rejection of the claim in view of Avnet remain.

Claim Rejections - 35 USC § 112

3. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

4. Claims 1, 22 and 24 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention. Regarding claim 1, the phrase 'the display unit' on page 2, line 13 of the claim lacks sufficient antecedent basis. Regarding claims 22 and 24 are rejected for the same reasons as discussed above with respect to claim 1.

5. Claim 5 is rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention. Regarding claim 1, the phrase 'said electronic shielding' on page 3, lines 3, 4 of the claim lacks sufficient antecedent basis because it appears that the phrase 'said electronic shielding' should be 'said electrical shielding'.

Claim Rejections - 35 USC § 102

6. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

7. Claims 1, 2, 4, 5, 7, 8, 10, 13, 15, 16, 19-25 and 27 are rejected under 35 U.S.C. 102(e) as being anticipated by Avnet et al. (U.S. Pub. No. 2002/0094787).

Regarding claims 1, 7, 22 and 24, Avnet teaches a plurality of broadcasting devices [i.e., information distribution units] (fig.2, item 12; page 3, paragraphs 0023, 0026).

Avnet further teaches a server selecting at least one broadcasting device from among the plurality of broadcasting devices, and transmitting first information to the selected broadcasting device (fig.2; page 3, paragraph 0026).

Avnet further teaches a PDA or cell phone [i.e., mobile terminal] (fig.1, item 16).

Avnet further teaches that the selected broadcasting device includes a transmitting unit transmitting to the PDA the first information received from the server such that the PDA is able to display the first information, the transmitting unit transmits the first information to the PDA through radio communication, and the PDA receives the first information (abstract; fig.1, fig.2; page 2, paragraphs 0012, 0014, 0015, page 3, paragraphs 0023, 0024, 0026-0028).

Avnet further teaches that the transmitting unit transmits the first information to the mobile terminal when the mobile terminal approaches the display unit (abstract; fig.1, fig.2; page 1, paragraph 0006, page 2, paragraph 0014, page 3, paragraphs 0023, 0024, 0026-0028).

Avnet further teaches a display unit (see fig.2, item 20) visually displaying second information (abstract; fig.1, fig.2; page 1, paragraph 0005, page 2, paragraph 0014, page 3, paragraphs 0023, 0024, 0026-0028).

Regarding claims 2 and 25, Avnet teaches that the second information is related to the first information (abstract; fig.1, fig.2; page 2, paragraphs 0006, 0008, 0014, page 3, paragraphs 0023, 0024, 0026-0028).

Regarding claim 4, Avnet teaches that the first information is transmitted from the transmitting unit to the mobile terminal by communication through wire (page 3, paragraph 0026).

Regarding claim 5, Avnet teaches that the first information is wirelessly transmitted from the transmitting unit to the mobile terminal in the hardwired interface [i.e., electric shielding] (fig.2; page 3, paragraph 0026).

Regarding claim 10, Avnet teaches that the second information includes a visual advertisement, and the first information includes what is related to the visual advertisement (page 3, paragraph 0026).

Regarding claim 13, Avnet teaches that the plurality of information distribution units are installed in a public advertisement or museum and the first information includes fifth information on an exhibition displayed in the different location (page 1, paragraph 0006, page 3, paragraphs 0027, 0028).

Regarding claim 15, Avnet teaches that the mobile terminal sends a request for the first information, and the transmitting unit transmits the first information in response to the request (page 3, paragraph 0026).

Regarding claim 16, Avnet teaches that an information input computer for operation by an information distributor, wherein the first information is inputted to the information input computer, and the information input computer sends the first information to the server (page 3, paragraphs 0023, 0025, 0026). (Note; since, microprocessor sends response of data coming from server, it is inherent that an information input computer is for operation by an information distributor)

Regarding claim 19, Avnet teaches that the user response includes profile data indicative of a profile of a user of the mobile terminal (page 3, paragraph 0028).

Regarding claim 20, Avnet teaches that the user response includes inherently a user identifier for identifying a user of the mobile terminal (page 3, paragraph 0028).

Regarding claim 21, Avnet teaches that a profile-managing computer, wherein the mobile terminal sends another request to the profile-managing computer, and the profile-managing computer sends profile data indicative of a profile of a user of the mobile terminal in response to the another request (page 3, paragraph 0028, page 4, paragraph 0030). (Note; since user access lists of saved information [i.e., profile information], it is inherent that the user makes a request to a profile-managing computer to send profile information)

Regarding claim 23, Avnet teaches that the first information is transmitted from the transmitting unit to the mobile terminal by radio communication (abstract; fig.1, fig.2; page 2, paragraph 0014, page 3, paragraphs 0023, 0024, 0026-0028).

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Regarding claim 27, Avnet teaches that the selected broadcasting device [i.e., information distribution unit] receives and uploads [i.e., stores] the first information (fig.2, item 12; page 3, paragraphs 0023, 0026).

Claim Rejections - 35 USC § 103

8. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

9. The factual inquiries set forth in *Graham v. John Deere Co.*, 383 U.S. 1, 148 USPQ 459 (1966), that are applied for establishing a background for determining obviousness under 35 U.S.C. 103(a) are summarized as follows:

1. Determining the scope and contents of the prior art.
2. Ascertaining the differences between the prior art and the claims at issue.
3. Resolving the level of ordinary skill in the pertinent art.
4. Considering objective evidence present in the application indicating obviousness or nonobviousness.

10. Claims 6 and 11 are rejected under 35 U.S.C. 103(a) as being unpatentable over Avnet et al. (U.S. Pub. No. 2002/0094787) and in view of Emilsson (International Pub. No. WO 98/59506).

Regarding claim 6, Avnet fails to teach “said first information is transmitted from said server to said selected information distribution unit through the Internet”. Emilsson teaches that the first information is transmitted from the server to the broadcasting device (i.e., selected information distribution unit) through the Internet (page 8, lines 5-25). Thus, it would have been

obvious to one of ordinary skill in the art at the time the invention was made to modify Avnet to allow the first information being transmitted from the selected information distribution unit to the server through the Internet as taught by Emilsson. The motivation for the modification is to have doing so in order to provide easy access to the location information.

Regarding claim 11, Avnet fails to teach "said second information includes a timetable of vehicles and said first information includes third information indicative of said timetable". Emilsson teaches that the second information includes a timetable of vehicles and the first information includes third information indicative of the timetable (page 10, lines 12-14). Thus, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify Avnet to allow the second information including a timetable of vehicles and the first information including third information indicative of the timetable as taught by Emilsson. The motivation for the modification is to have doing so in order to provide the details of available travel options.

11. Claim 8 is rejected under 35 U.S.C. 103(a) as being unpatentable over Avnet et al. (U.S. Pub. No. 2002/0094787) and in view of Schlager et al. (U.S. Patent No. 5,963,130).

Regarding claim 8, Avnet fails to teach "said selected information distribution unit further includes a state indicator visually indicating whether or not said transmitting unit is transmitting said first information". Schlager teaches that the selected information distribution unit further includes a state indicator visually indicating whether or not the transmitting unit is transmitting the first information (abstract; fig.2-4, fig.21; col.7, lines 9-11, 19-45, col.10, lines 26-37). Thus, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify Avnet to allow the selected information distribution unit further

includes a state indicator visually indicating whether or not the transmitting unit is transmitting the first information as taught by Schlager. The motivation for the modification is to have doing so in order to provide status information.

12. Claim 9 is rejected under 35 U.S.C. 103(a) as being unpatentable over Avnet et al. (U.S. Pub. No. 2002/0094787) and in view of Albert et al. (U.S. Patent No. 6,094,565).

Regarding claim 9, Avnet fails to teach “said mobile terminal includes another state indicator visually indicating whether or not said mobile terminal is receiving the first information”. Albert teaches that the mobile terminal includes another state indicator visually indicating whether or not the mobile terminal is receiving the first information (col.6, lines 10-33). Thus, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify Avnet to allow the mobile terminal including another state indicator visually indicating whether or not the mobile terminal is receiving the first information as taught by Albert. The motivation for the modification is to have doing so in order to provide visual perception of status information.

13. Claims 12, 14, 17 and 18 are rejected under 35 U.S.C. 103(a) as being unpatentable over Avnet et al. (U.S. Pub. No. 2002/0094787) and in view of Hasebe et al. (U.S. Patent No. 6,212,570).

Regarding claim 12, Avnet teaches that the plurality of information distribution units are installed in a shop (page 2, paragraph 0015).

However, Avnet does not specifically teach “said first information includes fourth information on an item displayed in said shop”. Hasebe teaches that the first information includes fourth information on an item displayed in the different location (col.5, lines 63-65,

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col.11, lines 32-39). Thus, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify Avnet to allow the first information including fourth information on an item displayed in the shop as taught by Hasebe. The motivation for the modification is to have doing so in order to provide more information about a particular item.

Regarding claim 14, Avnet Shiraishi fails to teach “said plurality of information distribution units are installed in a zoo and said first information includes sixth information on an exhibition displayed in said zoo”. Hasebe teaches that the plurality of information distribution units are installed in a different location (i.e., zoo) and the first information includes sixth information on an exhibition displayed in the different location (col.5, lines 63-65, col.11, lines 32-39). Thus, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify Avnet to allow the plurality of information distribution units being installed in a zoo and the first information includes sixth information on an exhibition displayed in the zoo as taught by Hasebe. The motivation for the modification is to have doing so in order to provide status information.

Regarding claim 17, Avnet fails to teach “said mobile terminal sends a user response to said information input computer”. Hasebe teaches that the mobile terminal sends a user response to the information input device (i.e., computer) (col.5, lines 55-63, col.6, lines 51-53). Thus, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify Avnet to allow the mobile terminal sending a user response to the information input computer as taught by Hasebe. The motivation for the modification is to have doing so in order to carry out the information exchange).

Regarding claim 18, Avnet teaches that the first information includes a questionnaire and the user response includes an answer for the questionnaire (page 3, paragraph 0024).

Conclusion

14. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

15. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Md S Elahee whose telephone number is (571) 272-7536. The examiner can normally be reached on Mon to Fri from 8:30am to 5:00pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Fan Tsang can be reached on (571) 272-7547. The fax phone number for the organization where this application or proceeding is assigned is 571-272-8300.

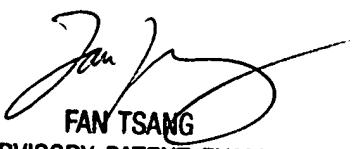
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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

M.E.

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December 9, 2005


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